AGREEMENT OF DEFENSE COUNSEL TO ACCEPT SERVICE OF COMPLAINT -- CASE NO. 07-5634

Document 70

Filed 02/26/2008

Page 1 of 3

Case 3:07-cv-05634-CRB

1 Pursuant to Local Rule 6-1, and in light of the February 19, 2008 Judicial Panel on Multidistrict Litigation ("JPML") Order transferring this case and the other Transpacific 2 3 Passenger Air cases to this Court, Plaintiffs Donald Wortman, William Adams, and Margaret 4 Garcia ("Plaintiffs"), and Japan Airlines International Co., Ltd., ("Defendant"), through counsel, 5 hereby stipulate and agree as follows: 6 IT IS HEREBY STIPULATED AND AGREED that Defendant's time to answer, move or 7 otherwise plead is enlarged until either, 45 days after plaintiffs in the Transpacific Passenger Air 8 cases file and serve a consolidated amended complaint, or 45 days after plaintiffs in the 9 Transpacific Passenger Air cases provide notice that a consolidated amended complaint will not 10 be filed. Notwithstanding the preceding sentence, the Parties understand that the Court may issue 11 a scheduling order that supersedes the date by which Defendant must answer, move or otherwise 12 plead. 13 IT IS FURTHER STIPULATED AND AGREED that defense counsel shall accept service 14 on behalf of Defendant of the summons and complaints in the above-captioned matter, including 15 any amended or consolidated complaints, and further, that Defendant shall not contest sufficiency 16 of process or service of process. This Stipulation does not constitute a waiver of any other 17 defense including, but not limited to, the defenses of lack of personal or subject matter 18 jurisdiction or improper venue. Nothing in this paragraph shall obligate Defendant to answer, 19 move, or otherwise respond to any complaint until the time provided in the preceding paragraph. 20 IT IS SO STIPULATED. 21 Respectfully Submitted, 22 /s/ Neil Swartzberg Dated: February 22, 2008 By: 23 Joseph W. Cotchett (36324) jcotchett@cpmlegal.com 24 Steven N. Williams (175489) swilliams@cpmlegal.com 25 Nanci E. Nishimura (152621) nnishimura@cpmlegal.com 26 Neil Swartzberg (215133) nswartzberg@cpmlegal.com 27 Aron K. Liang (228936) aliang@cpmlegal.com 28

Document 70

Filed 02/26/2008 Page 3 of 3

Case 3:07-cv-05634-CRB